

REMARKS

Claims 1-9 are pending in the application and stand rejected. Claims 1-6 are herein amended. No claims are canceled. In light of the aforementioned amendments and following remarks, applicants earnestly solicit favorable consideration.

On the Merits

Claim Rejections - 35 U.S.C. §103(a)

Claims 1 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,159,233 B2 to *Son* in view of U.S. Publication No. 2003/0095783 A1 to *Binder* in view of U.S. Publication No. 2003/0219020 A1 to *Honary*.

Independent Claim 1:

Independent claim 1 recites:

A moving picture file distributing device which receives a moving picture file by uploading and stores it in storage device, and distributes the moving picture file stored in the storage device to a client by downloading, comprising:

a server directly connected to a buffer memory;

an upload buffer generating device and a download buffer generating device connected to said buffer memory;

said upload buffer generating device dynamically generating an upload buffer for temporarily holding a moving picture file at the time of reception correspondently to an upload session identification number for a session; and
said download buffer generating device dynamically generating a download buffer for temporarily holding a moving picture file at the time of distribution correspondently to a download session identification number for another session,

a file input/output section directly connected to the download buffer generating device and the buffer memory;

wherein the upload buffer is generated after the upload session identification number is received by the upload buffer generating device, and the download buffer is generated after the download session identification number is received by the download buffer generating device,

wherein the moving picture file distributing device is a server.

The examiner largely relies on *Son* and *Binder* in attempting to disclose the claimed features discussed. Specifically, the examiner contends that a temporary buffer (upload and download) is inherently disclosed in *Son*. On page 3 of the office action, the examiner states:

...where the caching server first receives, inherently by some temporary holding means, uploaded processed content then subsequently determines whether to store the content in a storage medium....

Son discloses a HTTP server 148 and a caching server 102 having a storage medium 146. The caching server 102 having the storage medium 146 is used as a temporal storage means. The HTTP sever 148, the caching server 102 and the storage medium 146 correspond to a server, a file input/output section and a storage device in this invention, respectively. In *Son* (cols. 5-6, lines 57-4), there is no description showing some temporary holding means of “the caching server first receivers, inherently by some temporary holding means, upload processed content”

Further, *Son* does not disclose a buffer memory at all, as recited in claim 1. Also, *Son* does not teach a concept of dynamically buffer generating as recited in claim.

As such, applicants respectfully submit that the rejection is therefore improper and ask that the examiner withdraw the rejection and allow the application.

As independent claim 6 contains similar features to those discussed above regarding claim 1, the same arguments and rationale can be applied to claim 6 as to claim 1.

Claims 2-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Son* in view of *Binder, Honary* and U.S. Patent No. 5,959,716 to *Kenner et al.* Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Son* in view of *Binder, Honary* and U.S. Patent No. 6,058,399 to *Morag et al.* Claims 8 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Son* in view of *Binder, Honary* and U.S. Patent No. 2002/0162110 A1 to *Wakimoto et al.*

As dependent claims 2-5 and 7-9 each ultimately depend from independent claims 1 or 6, please see the arguments present above regarding claims 1 and 6.

Application No. 10/686,710
Art Unit: 2423

Amendment under 37 C.F.R. §1.111
Attorney Docket No. 032024

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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